

**DISPOSITION:** Alberty Food Products, claimant, filed an answer to the libel on or about 6-25-54, together with a set of interrogatories to be answered by the Government. Thereafter, the Government filed objections to the interrogatories and submitted a request for admissions. The claimant failed to reply to the request for admissions and to file any brief or argument to the objections to the interrogatories.

On 6-30-55, an application for default judgment was filed by the Government, and an order was entered setting the matter down for hearing. The claimant failed to appear at the hearing, and on 7-13-55, the court entered a decree condemning the goods and ordering their destruction.

**4990. Various drugs.** (F. D. C. No. 38189. S. Nos. 18-390/6 M, 18-398 M.)

**QUANTITY:** 135 1¼-oz. cartoned tubes of *Petty's pile ointment*, 21 1¼-oz. cartoned tubes of *Petty's analgesic balm*, 42 1¼-oz. cartoned tubes of *Petty's Heal-Aid ointment*, 59 1-oz. cartoned tubes of *Petty's In-A-Min-It*, 8 10-lb. bags and 8 3-lb. bags of *Petty's bathing salt*, 20 8-oz. jars of *Petty's Aroseptic Pulvis Antisepticus*, 50 ½-oz. cartoned vials of *Petty's toothache drops*, and 345 ⅔-oz. cartoned tubes of *Petty's zinc ointment*.

**SHIPPED:** Between 3-22-55 and 5-3-55, from Freeport, N. Y., by Pharmak, Inc.

**LABEL IN PART:** (Carton) "Petty's Pile Ointment \* \* \* Contains Tannic Acid, Zinc Oxide, Boric Acid, Benzocaine, Cresol, Oils of Lavender, Thyme, Camphor and Eucalyptus"; "Petty's Analgesic Balm Counter-Irritant and Local Anesthetic \* \* \* Contains Menthol, Methyl Salicylate, Lanolin."

(Tube) "Petty's Heal-Aid Ointment Antiseptic, Astringent, Soothing \* \* \* Contains Calamine, Phenol, Oils of Sassafras and Eucalyptus, Ichthammol, Benzocaine"; "In-A-Min-It \* \* \* Active Ingredients: Tragacanth U. S. P. Glycerin U. S. P. \* \* \* Petty's."

(Bag) "Petty's Bathing Salt."

(Jar) "Petty's \* \* \* Aroseptic Pulvis Antisepticus N. F."

(Vial) "Petty's Toothache Drops Alcohol 52% Chloroform 2% Oil Of Cloves Cinnamon Creosote Phenol Benzocaine."

(Tube) "Petty's Zinc Ointment Zinc Oxide Ointment."

**LIBELED:** 6-22-55, Dist. N. J.

**CHARGE:** 502 (a)—the labeling of the articles, when shipped, contained false and misleading representations that *Petty's pile ointment* was an adequate and effective treatment for blind, bleeding, and itching piles, both internal and external or protruding; that *Petty's analgesic balm* was an adequate and effective treatment for neuralgia, chilblains, sore throat, stiff muscles and joints, earache, pleurisy, sprains, bruises, and colds on the chest; that *Petty's Heal-Aid ointment* was an adequate and effective treatment for corns, bunions, calouses, chilblains, warts, bruises, boils, earache, piles, rectal irritations, eczema, and all burning or itching skin affections; that *Petty's In-A-Min-It* was effective in the prevention of appendicitis, convulsions in infants, and headaches; that *Petty's bathing salt* was an adequate and effective treatment for weak and impaired circulation; that *Petty's Aroseptic Pulvis Antisepticus* was an adequate and effective treatment for all types of wounds, sores, ulcers, burns, scalds, eczema, itching, skin eruptions, piles, foot itch, corns, and calouses; and that *Petty's zinc ointment* was an adequate and effective treatment for skin eruptions, sore nipples, weeping sores, and drying up excessive nasal secretions during colds in the head. 502 (e) (2)—the label of *Petty's*

*Aroseptic Pulvis Antisepticus* failed to bear the common or usual name of each active ingredient; 502 (f) (1)—the labeling of the *Aroseptic* failed to bear adequate directions for use as a douche, and the labeling of *Petty's toothache drops* bore no directions for use; 502 (f) (2)—the labeling of *Petty's pile ointment*, *Petty's Heal-Aid ointment*, and *Petty's Aroseptic Pulvis Antisepticus* failed to bear adequate warnings against use in bleeding piles, and the labeling of *Petty's toothache drops* failed to warn that the article was only for temporary use until a dentist could be consulted.

DISPOSITION: 8-2-55. Default—destruction.

#### DRUG AND DEVICE ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

4991. Dried *stillingia* root. (F. D. C. No. 39120. S. No. 2-128 M.)

QUANTITY: 14 50-lb bags at Marion, Va., in possession of R. T. Greer & Co.

SHIPPED: Between 4-12-55 and 7-12-55, from Fort Myers, Fla.

LBELED: 4-30-56, W. Dist. Va.

CHARGE: 501 (a) (1)—contained rodent hairs and rodent urine; and 501 (a) (2)—held under insanitary conditions.

DISPOSITION: 6-14-56. Default—destruction.

4992. Rubber prophylactics. (F. D. C. No. 38713. S. No. 40-504 M.)

QUANTITY: 1,008 *rubber prophylactics* at St. Paul, Minn.

SHIPPED: 8-4-55 and 9-7-55, from North Kansas City, Mo., by Dean Rubber Mfg. Co.

LABEL IN PART: (Carton containing 3 prophylactics) "Peacocks Redi-Wet Rubbers In Foil \* \* \* Hygienically Lubricated \* \* \* These Redi-Wet Peacock Rubbers are hygienically Pre-Lubricated with proven exclusive formula."

RESULTS OF INVESTIGATION: Examination showed that the article consisted of rolled rubber prophylactics packaged individually in hermetically sealed metal foil containers. Each *rubber prophylactic* was moistened with a small amount of viscous liquid, intended to act as a lubricant during coitus. This liquid coating on the individual prophylactics was contaminated with an extensive and obvious mold growth.

LBELED: 11-23-55, Dist. Minn.

CHARGE: 501 (a) (1)—contained, when shipped, a decomposed substance by reason of contamination with mold; 501 (c)—the purity and quality of the article fell below that which it purported and was represented to possess since the lubricant liquid used to coat the individual *rubber prophylactics* was contaminated with an extensive mold growth; and 502 (a)—the label statement "Hygienically Lubricated" was false and misleading as applied to a product contaminated with extensive mold growth.

DISPOSITION: 1-5-56. Default—destruction.

#### DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS\*

4993. Elixir of terpin hydrate and codeine (2 seizure actions). (F. D. C. No. 38651. S. Nos. 23-837 M, 23-851 M.)

QUANTITY: 240 2-oz. btls. at Phoenix, Ariz.

\*See also Nos. 4986, 4992.